

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

CHARLES BAILEY,	)	CASE NO. 1:05 CV 2008
	)	
Petitioner,	)	JUDGE KATHLEEN M. O'MALLEY
	)	
v.	)	
	)	<u>MEMORANDUM OF OPINION</u>
JULIUS WILSON,	)	<u>AND ORDER</u>
	)	
Respondent.	)	

On August 17, 2005, petitioner pro se Charles Bailey filed the above-captioned habeas corpus action under 28 U.S.C. § 2254. Bailey is incarcerated in an Ohio penal institution, having been convicted of engaging in a pattern of corrupt activity, forgery, uttering and intimidation. For the reasons stated below, the petition is denied and this action is dismissed.

A federal district court may entertain a petition for a writ of habeas corpus by a person in state custody only on the ground that the custody violates the Constitution or laws of the United States. Furthermore, the petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254.

As grounds for the petition, Bailey asserts that he was

denied "federally protected fundamental and or inherent rights" because he is a "Moorish American National" and the trial court therefore lacked jurisdiction over the subject matter and his person.

There is no indication on the face of the petition that Bailey seeks to raise an issue cognizable in habeas corpus, as he sets forth no colorable federal grounds which might entitle him to relief. There are no simply no facts set forth in the petition implicating Bailey's federal constitutional rights.

Accordingly, the petition is denied and this action is dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed.R.App.P. 22(b).

IT IS SO ORDERED.

s/ Kathleen M. O'Malley  
KATHLEEN M. O'MALLEY  
UNITED STATES DISTRICT JUDGE

DATED: October 13, 2005